

## REMARKS

Claims 26, 36, 37 and 48 were presented for examination. Claims 26, 37 and 48 were rejected under § 112, second paragraph, as being indefinite. Further, Claims 26 and 36 were rejected under § 102 as being anticipated by Muller ('118). Additionally, Claims 37 and 48 were rejected under § 103 as being unpatentable in view of Muller ('118).

### § 112 Rejections

Claims 26, 37 and 48 have been amended to eliminate any indefiniteness under § 112.

### § 102 Rejections

Claim 26 and 36 have been amended to avoid the § 102 rejection based on Muller ('118).

Amended Claim 26 requires, "support means extending upstream and downstream of the separation unit". If the "separation unit" of Muller is taken to include the outfeed rollers 92, 94, then Muller has no support means extending downstream of the separation unit. If Muller's separation unit is taken to end at the cutter 30, then while Muller's support table 36 provides for a degree of support downstream thereof, it could not and does not support the fully separate pieces of a blank 28.

Further, if Muller's separation unit is taken to end at the cutter 30, another of the elements of amended Claim 26 is not met, namely that, "... separated parts of said elongate metallic member issuing from said separation unit are free to move laterally with respect to said cutter." They would be constrained by the outfeed rollers 92, 94 in the Muller device.

Further yet, amended Claim 26 requires "the pusher arm exerts a force on an end of said elongate member distal from the separation unit to push said member towards and through the said separation unit." In Muller the notch 58 of the conveyor 62 pushes the blank 28 towards a ramp 62 and infeed rollers 66 which pull the blank 28 off the conveyor 26. (*See column 6, lines 8 to 15 and 49 to 55*). The Muller blank 28 is fed through the cutter by the powered infeed rollers 64, 66, which

push the blank 28 towards the blade 30, and the powered rollers 92 and 94 of the outfeed drive means 34, which pull the blank from the blade 30. Thus, Muller does not teach or disclose the element of the pusher arm as claimed in amended Claim 26.

Finally, amended Claim 26 now claims "... whereby said support means downstream of said separation unit receives and supports separated sections of said elongate member issuing from the said separation unit." This is clearly not taught by Muller.

Since amended Claims 36 and 37 are dependent on now allowable, amended Claim 26, they should be allowed.

#### § 103 Rejections

Amended Claim 48 recites the same structural differences from Muller as are recited in Claim 26 noted above. It is not correct to say that Muller only lacks the work piece being metallic. It would not be obvious from Muller to arrive at the method of amended Claim 48, because Muller teaches the use of power driven fee rollers to push and pull blank 28 through the separation unit. This is unacceptable in metal cutting; and, therefore, teaches away from the present invention. There is nothing in the Muller disclosure to lead one skilled in the art to dispense with the driven rollers, as is require by the invention as claimed in amended Claim 48.

The Applicant respectfully asks the Examiner to reconsider the amended claims and issue a Notice of Allowance.

Respectfully submitted,  
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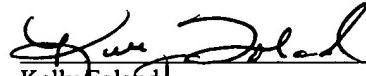


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Kelly Foland

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

26. (Thrice Amended) A cold separation device for separating a cold elongate metallic member along a substantially longitudinal axis thereof, said device comprising:

a separation unit having a cutter;

support means extending upstream and downstream of said separation unit to support said elongate member;

a feeder means to feed said elongate member towards and through said separation unit, said feeder means [further] comprising a pusher arm upstream of said separation unit whereby, said pusher arm [exerting] exerts a force on an end of said elongate metallic member distal from said separation unit to push said member towards and through the said separation unit; and

means to constrain lateral movement of said elongate metallic member passing through said separation unit, said constraining means [further] comprising at least one pair of horizontally spaced apart guide rollers, said guide rollers being freely rotatable about a substantially vertical axis, [wherein] whereby downstream of said separation unit separated parts of said elongate metallic member issuing from said separation unit are free to move laterally with respect to said cutter, and whereby said support means downstream of said separation unit receives and supports separated sections of said elongated member issuing from said separation unit.

37. (Twice Amended) A device according to Claim 26, wherein said separation unit comprises a roller [arranged to exert] which exerts a downward pressure on a part of said elongated member being cut.

48. (Thrice Amended) A process for separating cold elongated metallic members along a substantially longitudinal axis thereof, said device comprising:

a separation unit having a cutter;

support means extending upstream and downstream of said separation unit to support said elongate member;

a feeder means to feed said elongate member towards and through said separation unit, said feeder means [further] comprising a pusher arm upstream of said separation unit, whereby said pusher arm [exerting] exerts a force on an end of said elongate metallic member distal from said separation unit to push said member towards and through the said separation unit; and

means to constrain lateral movement of said elongate metallic member passing through said separation unit, said constraining means [further] comprising at least one pair of horizontally spaced apart guide rollers, said guide rollers being freely rotatable about a substantially vertical axis, [wherein] whereby downstream of said separation unit separated parts of said elongate metallic member issuing from said separation unit are free to move laterally with respect to said cutter, said process comprising the steps of:

placing said elongate member on said support means of said device;

aligning said substantially longitudinal axis of said elongate member with said cutter of said separation unit;

feeding said elongate member through said separation unit to cut said separate sections from said elongated member;

supporting said separated sections of said elongated member; and

constraining lateral movement of said elongate member in said separation unit.